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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,490

09/30/2003

Jeyhan Karaoguz

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EXAMINER

RYAN, PATRICK A

ART UNIT

PAPER NUMBER

4126

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,490	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> Patrick A. Ryan	<b>Art Unit</b> 4126	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is the First Action based on the 10/675490 application file September 30, 2003. As originally filed, Claims 1-31 are presented for examination.

#### ***Priority***

2. A reference to prior applications: No. 60/432,472 filed on December 11, 2002, No. 60/443,894 filed on January 30, 2003, No. 60/457,179 filed on March 25, 2003, and No. 60/443,895 filed January 30, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.760).

#### ***Specification***

3. The disclosure is objected to because of the following informalities: in Paragraph [2] of the specification, the United States Application Serial Numbers for the following documents have been omitted:

- a. Attorney Docket No. 14274US02 01002P-BP-2801 filed 9/11/2003.
  - i. The Serial No. assigned to this document is: 10/660267
- b. Attorney Docket No. 14185US02 01001P-BP-2800 filed 9/8/2003.
  - i. The Serial No. assigned to this document is: 10/657390

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not distinctly define (as it appears in paragraphs [11, 91, 95, and 97] of the specification) the characteristics of each of the claimed processors of Claim 31: “a computer processor, a media exchange software processor, a media peripheral processor, a media exchange software processor, a media peripheral processor, a storage processor, and a media exchange server processor.” Without further disclosure as to the distinctness of each claimed processor in Claim 31, each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of Claim 31.

### ***Claim Objections***

3. Claim 11 is objected to because of the following informalities: “for producing and media content” appears to contain a typo or omission. The Examiner has taken Claim 11 to have intended to state: “for producing a media content”. It is requested that “and” be changed to “a” or a second limitation should be added following “and” in such a way that the addition does not change the scope of the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 are rejected under 35 U.S.C 102(b) as being anticipated by Logan (US Patent Application Publication 2002/0120925 A1).

6. In reference to Claim 1, Logan teaches a method for producing and delivering media content (schematic of Figure 1, as introduced in Paragraph [0040]), the method comprising: establishing a personal television channel (personal program library, as described in Paragraph [0107] Lines 1-3), modifying media content to produce a media program (editing tools at 135, as described in Paragraph [0107]), and associating the produced media program with the established personal television channel (“best of today’s programming”, as described in Paragraph [0108] Lines 6-11).

7. In reference to Claim 2, Logan teaches the method further comprising acquiring metadata associated with the media content (“...metadata [that] describes those segments...” as disclosed in Paragraph [0055] Lines 14-20).

8. In reference to Claim 3, Logan teaches the method wherein the acquired metadata is at least one of program metadata (“...metadata [that] describes, rates, or classifies that segment.” as disclosed in Paragraph [0090] Lines 2-5) and primitive

metadata (“The metadata for individual segments...” as disclosed in Paragraph [0078] Lines 6-9).

9. In reference to Claim 4, Logan teaches the method further comprising editing the acquired metadata associated with the media content (“Community Markup” (CM) system, as described in Paragraph [0102]).

10. In reference to Claim 5, Logan teaches the method further comprising updating the acquired metadata associated with media content (“automatically upgraded” library, as described in Paragraph [0103] Lines 3-7) to reflect at least a portion of changes associated with the modifying (“Improved markups”, as described in Paragraph [0103] Lines 1-3).

11. In reference to Claim 6, Logan teaches the method further comprising displaying at least a portion of the produced media program (“picture-in-picture” display, as described in Paragraph [0219]).

12. In reference to Claim 7, Logan teaches the method wherein the modifying further comprises augmenting (“...associating user-created comments, notes, reviews, ratings...” as disclosed in Paragraph [0123]) and editing the media content (“Community Markup” (CM) system, as described in Paragraph [0102]).

13. In reference to Claim 8, Logan teaches the method further comprising determining whether a media program comprises the modified media content (“fingerprint” used to identify “parent” copy, as disclosed in Paragraph [0080]).

14. In reference to Claim 9, Logan teaches the method further comprising if the media program comprises the modified media content (“fingerprint” used to identify

“parent” copy, as disclosed in Paragraph [0080]), processing the media program based on metadata associated with the modified media content (“pattern-matching techniques” as disclosed in Paragraph [0083]).

15. In reference to Claim 10, Logan teaches the method further comprising synchronizing the modified media content for presentation in the personal television channel (“information derived from metadata may be displayed concurrently with the program” as disclosed in Paragraph [0280]).

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 11-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent Application Publication 2002/0120925 A1) in view of Markman et al. (US Patent Application Publication 2003/0122966 A1) hereinafter Markman.

18. In reference to Claim 11, Logan teaches a method comprising the steps of Claims 1-10, but does not teach storing this method on a machine-readable storage with at least one coded section that is executable by a machine to perform the steps of the method of Claims 1-10.

In a similar field of invention, Markman teaches a media center memory 210, which includes various software modules such as a PVR module 216 and a media player/editor 228 (shown in Figure 4, as described in Paragraph [0056] with further reference to Paragraph [0038]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the method of Logan with the media center memory of Markman, because any system requiring a coded section will inherently require a memory or storage system in order to create a permanent record of the steps needed to execute the method.

19. In reference to Claim 12, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 12, as previously cited above in reference to Claims 2 and 11.

20. In reference to Claim 13, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 13, as previously cited above in reference to Claims 3 and 11.

21. In reference to Claim 14, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 14, as previously cited above in reference to Claims 4 and 11.

22. In reference to Claim 15, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 15, as previously cited above in reference to Claims 5 and 11.



23. In reference to Claim 16, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 16, as previously cited above in reference to Claims 6 and 11.

24. In reference to Claim 17, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 17, as previously cited above in reference to Claims 7 and 11.

25. In reference to Claim 18, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 18, as previously cited above in reference to Claims 8 and 11.

26. In reference to Claim 19, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 19, as previously cited above in reference to Claims 9 and 11.

27. In reference to Claim 20, the media center memory of Markman in combination with the method of Logan teaches all limitations in Claim 20, as previously cited above in reference to Claims 10 and 11.

28. In reference to Claim 21, Logan teaches system for producing and delivering media content (Figure 1, as introduced in Paragraph [0025]), but does not teach performing the steps of the method of Claims 1-10 as executed by a processor.

In a similar field of invention, Markman teaches a CPU 214 as part of media center extension (MCX) 304, which performs logical and arithmetic operations based on program code stored within the memory 210 (shown in Figure 4, as described in Paragraph [0056] with further reference to Paragraph [0038]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the system and method of Logan with the processor of Markman, because any system requiring the execution of multiple complex tasks such as establishing a television channel or modifying media content must inherently contain a processor.

29. In reference to Claim 22, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 22, as previously cited above in reference to Claims 2 and 21.

30. In reference to Claim 23, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 23, as previously cited above in reference to Claims 3 and 21.

31. In reference to Claim 24, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 24, as previously cited above in reference to Claims 4 and 21.

32. In reference to Claim 25, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 25, as previously cited above in reference to Claims 5 and 21.

33. In reference to Claim 26, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 26, as previously cited above in reference to Claims 6 and 21.

34. In reference to Claim 27, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 27, as previously cited above in reference to Claims 7 and 21.

35. In reference to Claim 28, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 28, as previously cited above in reference to Claims 8 and 21.

36. In reference to Claim 29, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 29, as previously cited above in reference to Claims 9 and 21.

37. In reference to Claim 30, the CPU as part of MCX as taught by Markman in combination with the method of Logan teaches all limitations in Claim 30, as previously cited above in reference to Claims 10 and 21.

38. In reference to Claim 31, Logan teaches a system for producing and delivering media content (Figure 1, as introduced in Paragraph [0025]), but does not teach a system that contain a computer processor, a media exchange software processor, a media peripheral processor, a storage processor, or a media exchange server processor.

In a similar field of invention, Markman teaches a media exchange software processor (CPU 214) as part of media center extension (MCX 304), which performs logical and arithmetic operations based on program code (shown in Figure 4, as described in Paragraph [0056] with further reference to Paragraph [0038]).

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39. It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the system and method of Logan with the processor of Markman, because any system requiring the execution of multiple complex tasks such as establishing a television channel or modifying media content must inherently contain a processor.

### ***Conclusion***

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

41. US Patent 6,681,394 B1, Fujita et al., teaches a broadcast transmitting apparatus used to edit and distribute video content. The apparatus sends application data to the receiving end concurrently with content that dictates which parts should be displayed and any additional material that should be added in reference to the video content.

42. US Patent 7,024,677 B1, Snyder et al., teach an integrated video production system wherein the user has the ability to manipulate the production of video, such as camera angle. In addition, a second party internet user may further customize the playback of the produced video.

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43. US Patent 7,032,177 B2, Novak et al., teach a bookmark system that allows the user to customize a broadcast program. The bookmarks may be customized by the user and can also be shared among a number of users.

44. US Patent 7,080,392 B1, Geshwind, teaches a process of program abstraction for the purpose of reducing the size and length of a media program. A human or artificial intelligence can execute the abstraction process in order to generate auxiliary information to be used to selectively record and/or display one of several subsets of program segments.

45. US Patent 7,284,032 B2, Weber, teaches a method for sharing information in a network wherein the user has the ability to define a data segment, recording the defined data segment, and distribute the recorded segment to other users.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Ryan whose telephone number is (571) 270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

47. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick A Ryan/  
Examiner, Art Unit 4126  
Tuesday, November 13, 2007

/Lun-Yi Lao/  
Primary Examiner, Art Unit 2629